

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1096-C - ORDER NO. 95-1636 ✓
OCTOBER 30, 1995

IN RE: Inacom Communications, Inc. -) ORDER
Rule to Show Cause.) GRANTING
) MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Inacom Communications, Inc. (Inacom) to dismiss the Rule to Show Cause issued by this Commission and to suspend the testimony pre-filing deadline.

Mr. Jimmy Courtney of Prosperity, South Carolina had formally filed a complaint with the Commission alleging misleading solicitation by Inacom. Mr. Courtney stated his belief that Inacom misrepresented itself as AT&T in its solicitation to him. Inacom subsequently furnished a tape which contained the transaction at issue. The Commission subsequently issued a Rule to Show Cause in Order No. 95-1350, dated July 27, 1995. Inacom now comes before this Commission moving to dismiss the Rule and to suspend testimony pre-filing deadline.

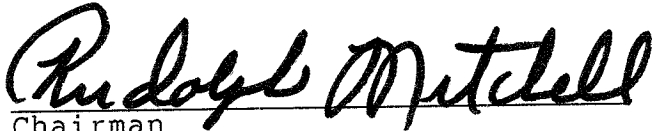
It should be noted that the Commission Staff has already filed testimony supporting the allegations of Mr. Courtney's complaint as stated above. In its Motion, Inacom states that the Rule to Show Cause was issued with respect to this single complaint because the

Commission's Staff believed at the time that it requested the Rule to Show Cause that there was disagreement between Inacom and this Commission with respect to the propriety of Inacom's marketing practices. Inacom states in its Motion, pursuant to the Affidavit of Robert E. Puissant, that Inacom is aware of and accepts the Commission's Order and its marketing guidelines docket which is Order No. 95-658 in Docket No. 94-559-C. Puissant also agrees in the Affidavit with the Commission and its Staff that it is improper for Inacom and its agents to engage in any marketing practices which misrepresents the relationship between itself and its underlying carrier, AT&T. In additional support of its Motion, Inacom states that its marketing practices provide substantial protection for its consumers, specifically since Inacom currently requires a written letter of agency from every customer before it switches that customer's service to Inacom. The letter of agency, according to Inacom, makes it clear that the customer is switching its phone service to Inacom Communications, and that Inacom will be providing the customer service through AT&T's Software Defined Network (SDN). Puissant also states that he is familiar with the Commission's marketing guidelines and that his Company is now and will in the future follow these guidelines. Inacom also notes that its pre-filed testimony was due, and it requests suspension of this deadline presented pending the outcome of the Motion. Inacom summarizes its position by saying that the reasons why the Rule to Show Cause was issued no longer exist, and that holding a hearing on the Rule would serve no further purpose, and for these reasons, the Rule to Show Cause should be dismissed.

The Commission has examined the record as a whole in this case including the substance of the complaint, the Motion to Dismiss the Rule, and the Affidavit of Robert E. Puissant, and we agree that the Motion to Dismiss should be granted, and the deadline for pre-filing testimony for Inacom should be suspended.

Clearly, the Rule to Show Cause was based on a single complaint. Inacom now agrees with the Commission and its Staff that it should not misrepresent through its telemarketers the relationship between Inacom and its underlying carrier, AT&T. Further, the Company uses a letter of agency that a consumer must sign before his service is switched to Inacom. In addition, Inacom acknowledges the marketing guidelines set out by this Commission and agrees to abide by them now and in the future. Because of all of these matters, we hereby grant the Motion to Dismiss the Rule to Show Cause, and we suspend the testimony pre-filing deadline for Inacom. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)